

# 4850

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

SEAN D. RIES, JOHN R. MURRAY,  
PHILIP C. HENRY, STEPHEN H.  
WEDEL, and others similarly situated,

Plaintiffs,

v.

ALLMERICA FINANCIAL  
CORPORATION, ALLMERICA  
FINANCIAL LIFE INSURANCE AND  
ANNUITY COMPANY, and  
FREDERICK H. EPPINGER, JR.,

Defendants.

Civil Action No. 04-0898

**MOTION FOR ADMISSION PRO HAC VICE**

Defendants, ALLMERICA FINANCIAL CORPORATION, ALLMERICA FINANCIAL LIFE INSURANCE AND ANNUITY COMPANY, and FREDERICK H. EPPINGER, JR., by its counsel, MANION McDONOUGH & LUCAS, P.C., moves this Honorable Court for an Order admitting Andrea J. Robinson, Jonathan A. Shapiro, Eric D. Levin, and Brett R. Budzinski of the firm of Wilmer, Culter, Pickering, Hale & Dorr, LLP to appear and practice in this Court as Counsel for Defendants *pro hac vice* in this action. In support of this Motion, Defendants represent as follows:

1 . Andrea J. Robinson is a partner in the law firm of Wilmer, Cutler, Pickering, Hale & Dorr, LLP, and since 1990 has been a member in good standing of the bar of the Commonwealth of Massachusetts. Ms. Robinson is also a member of the bar of the State of New York and the bar of the District of Columbia. Ms. Robinson is also a member of the bar of the United States District Court for the District of Massachusetts, the bar of the

Southern District of New York, the bar of the Northern District of California, the bar of the District of Columbia, the bar of the Western District of New York, the bar of the Eastern District of New York, the bar of the United States Court of Appeals for the First Circuit, Ninth Circuit and the District of Columbia. Ms. Robinson has never been the subject of any disciplinary action concerning the practice of law, and is a member of good standing in each bar in which she is a member.

2. Jonathan A. Shapiro is a partner in the law firm of Wilmer, Culter, Pickering, Hale & Dorr, LLP., and since 1994 has been a member in good standing of the bar of the Commonwealth of Massachusetts. Mr. Shapiro is also a member of the bar of the United States District Court for the District of Massachusetts, the bar of the United States Court of Appeals for the First Circuit, and the bar of the United States District Court for the District of New Hampshire. Mr. Shapiro has never been the subject of any disciplinary action concerning the practice of law, and is a member of good standing in each bar in which he is a member.

3. Eric D. Levin is a partner in the law firm of Wilmer, Cutler, Pickering, Hale & Dorr, LLP, and since 1999 has been a member in good standing of the bar of the Commonwealth of Massachusetts. Mr. Levin is also a member of the bar of the United States District Court for the District of Massachusetts, and the bar of the United States Court of Appeals for the Third Circuit. Mr. Levin has never been the subject of any disciplinary action concerning the practice of law, and is a member of good standing in each bar in which he is a member.

4. Brett R. Budzinski is an associate in the law firm of Wilmer, Cutler, Pickering, Hale & Dorr, LLP, and since 2003 has been a member in good standing of the bar of the


Commonwealth of Massachusetts. Mr. Budzinski is also a member of the bar of the United States District Court for the District of Massachusetts. Mr. Budzinski has never been the subject of any disciplinary action concerning the practice of law, and is a member of good standing in each bar in which he is a member.

5. Local Rule of Civil Procedure 83.2.1 provides that an attorney who meets the eligibility requirements set forth in the rule may be admitted upon Motion by a member of the bar of this Court. Mr. Shapiro, Mr. Levin, Mr. Budzinski and Ms. Robinson meet the eligibility requirements under that rule.

6. Concurrently with the filing of this Motion, Defendants are paying to the Clerk of this Court the requested fees for admission *pro hac vice*.

WHEREFORE, Defendants respectfully request that this Honorable Court issue an Order substantially in the form attached hereto admitting Ms. Robinson, Mr. Shapiro, Mr. Levin, and Mr. Budzinski counsel for the Defendants *pro hac vice* in the within action.

MANION McDONOUGH & LUCAS, PC

By:   
Robert D. Finkel, Esq.  
Pa. I.D. #71130; Firm ID #786  
Nathan H. Schmitt, Esq.  
Pa. I.D. #89421  
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(412) 232-0200

Dated: June 24, 2004

Of Counsel

Andrea J. Robinson, Esq.  
Jonathan A. Shapiro, Esq.  
Eric D. Levin, Esq.  
Brett R. Budzinski, Esq.  
Wilmer Cutler Pickering Hale & Dorr LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6000

Attorneys for Defendants,  
ALLMERICA FINANCIAL CORP.,  
ALLMERICA FINANCIAL LIFE  
INSURANCE AND ANNUITY CO.  
and FREDERICK H. EPPINGER, JR.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the within MOTION FOR ADMISSION *PRO HAC VICE* was served on the 24<sup>th</sup> day of June, 2004 by first-class mail, postage prepaid, upon the following counsel of record::

William C. Ries, Esq.  
Tucker Arensberg, P.C.  
1500 One PPG Place  
Pittsburgh, PA 15222

Ron R. Parry, Esq.  
Parry, Deering, Futschier & Sparks, P.S.C.  
128 East Second Street  
Covington, KY 41011-2618

A handwritten signature in black ink, appearing to be 'M. H.', is written over a horizontal line.

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**ORDER OF COURT**

AND NOW, to-wit, this 29<sup>th</sup> day of June, 2004, it is Ordered that the Motion of Defendants to admit Andrea J. Robinson, Jonathan A. Shapiro, Eric D. Levin, and Brett R. Budzinski as counsel for the Defendants *pro hac vice* in the within action be, and the same is hereby granted.

BY THE COURT

Thos M. Ardunin, J.  
UNITED STATES DISTRICT COURT JUDGE

em: All parties of record DC